

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

ROBERT DINGLE, JR.

Plaintiff,

-against-

BIMBO BAKERIES USA

Defendant.

1:11-cv-02879-CBA-VVP

X

AFFIDAVIT OF KRISTIN L. PLUDE, ESQ.
IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS THE COMPLAINT

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Kristin L. Plude, an attorney duly admitted to practice law before this Court, states under penalty of perjury as follows:

1. I am an attorney with Jackson Lewis LLP, the attorneys of record for Defendant.
2. I am fully familiar with the facts and procedural history of the instant matter and make this Affidavit based upon a review of the files in my office.
3. I make this Affidavit in support of Defendant's Motion to Dismiss The Complaint.

4. Attached hereto as Exhibit A is a true and correct copy of Plaintiff's Complaint filed with this Court on June 16, 2011.

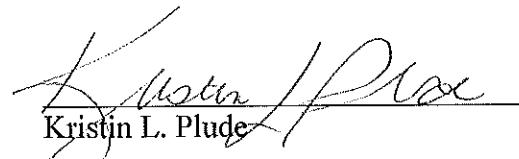
5. Attached hereto as Exhibit B is a true and correct copy Plaintiff's December 7, 2010 charge filed with Equal Employment Opportunity Commission.

6. Attached as Exhibit C is a true and correct copy of the EEOC's Dismissal and Notice of Suit Rights.

7. Attached hereto as Exhibit D are copies of unreported cases cited in Defendant's Memorandum of Law in Support of its Motion to Dismiss.

8. Attached hereto as Exhibit E is a copy of the Notice to Pro Se Litigant Who Opposes a Rule 12 Motion Supported by Matters Outside the Pleadings.

WHEREFORE, it is respectfully requested that the Court grant Defendant's Motion to Dismiss the Complaint, with prejudice or direct Plaintiff to replead his allegations; and for such other relief as the Court may deem just and proper.



Kristin L. Plude

Sworn to before me this
11th day of August, 2011

Alexander Leonard
Notary Public

4833-4880-3594, v. 1

